

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN CHARLES GAUTHIER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-12-58-D
)	
BOARD OF COUNTY COMMISSIONERS)	
OF THE COUNTY OF CLEVELAND, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff John Charles Gauthier, who appears *pro se*, brings suit under 42 U.S.C. § 1983 for alleged violations of his constitutional rights related to the Cleveland County Drug Court program. The case is proceeding under Plaintiff's Amended Civil Rights Complaint filed February 24, 2012. Subsequent to that filing, Plaintiff was arrested and detained in the Cleveland County Detention Center, where he remains as of the date of his most recent correspondence to the Court dated June 21, 2012. On numerous occasions since his detention, Plaintiff has attempted to correspond with the undersigned by letters requesting assistance with various matters. Plaintiff is advised that the Court does not act on correspondence. A request for judicial action in his case must be made through a properly filed and served motion or pleading.

Numerous defendants have file motions to dismiss the Amended Civil Rights Complaint. On April 25, 2012, Plaintiff filed a timely response to the motion to dismiss of Defendants Rick Sitzman and Zac Simmons. Then on May 1, 2012, Plaintiff filed an additional brief, entitled "Brief in Support of Amended Complaint and Combined Request for Summary Judgment." The purpose of this brief is unclear. In the opening paragraph, Plaintiff states that it is an additional response to

the motion of Defendants Sitzman and Simmons. In the brief, however, Plaintiff also requests summary judgment in his favor on various claims pursuant to Fed. R. Civ. P. 56. Viewed as an amended response brief, it was filed without authorization required by LCvR7.1(k), and it is combined with a motion in violation of LCvR7.1(c).¹ Viewed as a motion for summary judgment, it does not comply with Rule 56(c) or LCvR56.1. Under any view, it exceeds the page limitations of LCvR7.1(e). For these reasons, the brief will be disregarded by the Court.

Plaintiff did not file a timely response to the motion to dismiss of Defendants Cleveland County Board of County Commissioners and Carrie Davis. However, Plaintiff subsequently filed a motion requesting leave to file his response out of time. For numerous reasons, including his detention and his limited access to legal materials and writing supplies, Plaintiff fully explains in the motion why he could not respond within the usual time. Plaintiff also asks to be relieved of the obligation to provide a copy of his brief, as required by LCvR5.2(b). In addition, on June 1, 2012, Plaintiff filed a motion asking to amend or correct the record, noting several errors in the response brief he had submitted as an attachment to his motion to file out of time. The Court finds good cause for granting these requests.

Plaintiff has not responded to two other motions to dismiss, one filed by Defendants Danielle Williams and Beth Seright on April 11, 2012, and one filed by Defendant Steve Nelson on April 19, 2012. The first reflects service by mail to Plaintiff at his former address. The second reflects service by mail to Plaintiff at a mailing address similar to his current address but containing a typographical error (2550 E. Franklin Rd., instead of 2550 W. Franklin Rd.). Also, Plaintiff has

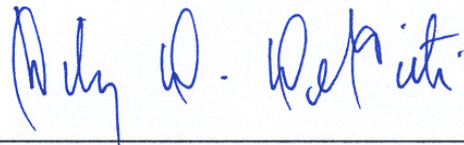
¹ Although Petitioner is a *pro se* litigant whose pleadings are held to a less stringent standard than ones drafted by lawyers, this Court may properly insist that he “follow the same rules of procedure that govern other litigants.” *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (quoting *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir.1994)).

stated in various communications that he has not received this motion. Accordingly, the Court will direct these movants to send Plaintiff duplicate copies of their motions.

IT IS THEREFORE ORDERED that Plaintiff's various letters to the Court and his "Brief in Support of Amended Complaint" [Doc. No. 48] are disregarded, but the following motions are GRANTED: Plaintiff's Motion to File Traverse Response Out of Time [Doc. No. 55]; and Plaintiff's Motion to Amend, Modify or Correct Record [Doc. No. 56]. Plaintiff may file a response to the Motion to Dismiss of Defendants Cleveland County Board of County Commissioners and Carrie Davis within 14 days of this Order, and he need not supply an additional copy of his brief.²

IT IS FURTHER ORDERED that Defendants Danielle Williams, Beth Seright, and Steve Nelson shall mail to Plaintiff one copy of each of their motions to dismiss [Doc. Nos. 38 and 44] at his current address of record, and shall file certificates of such mailings within 7 days of this Order. Plaintiff shall respond to these motions within 30 days of this Order.

IT IS SO ORDERED this 3rd day of July, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

² Other pending motions will be addressed by separate orders.